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WA

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Fire Safety Commission
Automatic Sprinkler Appeals Board
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MAURICE M. PILETTE
CHAIRMAN

PETER GIBBONS
VICE CHAIRMAN

Docket # 2016-05
576 Pleasant Street
Norwood, Massachusetts

AUTOMATIC SPRINKLER APPEALS BOARD DECISION

A) Statutory and Regulatory Framework

This administrative appeal is held in accordance with Massachusetts General Law, Chapter 30A; Chapter 148, s. 26G and Chapter 6, s. 201, to determine whether to affirm, reverse or modify the decision of the Norwood Fire Department requiring the Appellant, Joseph Drain of Compete Strength & Fitness (hereinafter "Appellant"), to install automatic sprinklers in a building owned by the Appellant located at 576 Pleasant Street, Norwood, MA.

B) Procedural History

By written notice received by the Appellant on May 11, 2016, the Norwood Fire Department issued a determination to the Appellant, requiring automatic sprinklers to be installed throughout an existing building, owned by the Appellant located at his property, 576 Pleasant Street, Norwood, MA. The determination was issued pursuant to the provisions of M.G.L. c. 148, s. 26G. On May 12, 2016, the Appellant filed an appeal of the determination with the Automatic Sprinkler Appeals Board. The Board held a hearing on June 8, 2016, at the Department of Fire Services, Stow, Massachusetts.

Appearing on behalf of the Appellant was: Harold Cutler, Consulting Fire Protection Engineer; Robert James, RMJ Construction, Inc. and Joseph Drain, Owner/Appellant. Appearing on behalf of the Norwood Fire Department was: Deputy Chief Ronald Maggio and Mark G. Chubet, Inspector of Buildings, Town of Norwood.

Present for the Board were: Maurice M. Pilette Chairman; Peter Gibbons, Vice Chairman; Deputy Chief, Jack Dempsey; Alexander MacLeod; and Chief Thomas Coulombe. Peter A. Senopoulos, Esquire, was the Attorney for the Board.

C) Issue(s) to be Decided

Whether the determination of the Norwood Fire Department requiring sprinklers in the building located at 576 Pleasant Street, Norwood, MA, should be affirmed, reversed or modified?

D) Evidence Received

1. Application for Appeal filed by Appellant
2. Statement/Attachments in Support of Appeal
- 2-0. First Floor Plan of Facility
- 2-1. Order of Notice of the Norwood Fire Department (dated 5/2/16)
- 2-2. Photographs of Interior and Exterior of Property (listed A-D and F-I)
- 2-3. Laboratory Test Report on Preconstraint roof covering (2 pages)
- 2-4. Manufacturers Specification Sheet (listed as "Product Data Sheet") for fiber glass insulation
- 2-5. Manufacturers Specification Sheet for LAMTEC WMP-50
- 2-6. Manufacturer's Brochure for Astroturf Gameday Grass 3DX 52
- 2-7. Manufacturer's Brochure for DuctSox (4 pages)
3. Notice of Hearing to Appellant
4. Notice of Hearing to Norwood Fire Department
5. Copies of two Memoranda that accompany Hearing Notices
6. FM Approvals Report – LAMTEC WMP-50
7. Stipulations of Facts signed by both Parties

E) Subsidiary Findings of Fact

- 1) By written notice received by the Appellant on May 11, 2016, the Norwood Fire Department issued a determination to the Appellant, requiring automatic sprinklers to be installed throughout an existing building, owned by the Appellant located at his property, 576 Pleasant Street, Norwood, MA. The determination was issued pursuant to the provisions of M.G.L. c. 148, s. 26G. On May 12, 2016, the Appellant filed an appeal of the determination with the Automatic Sprinkler Appeals Board. The Board held a hearing on June 8, 2016, at the Department of Fire Services, Stow, Massachusetts.
- 2) The Appellant's Fire Protection Engineer testified that the Appellant owns the building at issue and that it was constructed at some time "a while back." The building consists of approximately 24,970 s.f. of floor area and houses a fitness facility. Certain portions of the facility consisting of a gym, small conference room, offices, changing rooms and toilet facilities are sprinklered. The remaining portion of the building, referred to at the hearing as the "Field house" area consists of approximately 18,260 s. f. of floor area. This area is used for participant sports activities such as soccer and lacrosse. The main portion of the field house has a corrugated metal exterior with an interior layer of fiberglass insulation and an interior finish layer of LAMTEC WMP-50 membrane. The floor area of the field house consists of artificial turf, identified as AstroTurf Gameday Grass 3DX52.
- 3) According to the Appellant's representative, the building is classified as either an A-4 Use Group or B Use Group. However, Appellant states that it is principally used as a training facility without a spectator area. Appellant contends that an amendment to the building permit classification would possibly result in the field house portion being exempt from sprinkler requirements under the State Building Code. Appellant indicated that such exemption would result in a substantial cost savings. The Board notes that the Appellant, as of the date of hearing, has not taken any substantive action to amend the current building code classification.

- 4) The Appellant's Fire Protection Engineer stated that the building, as originally designed and as indicated on the building plans submitted to the town as part of the application for a building permit, included a sprinkler system throughout the entire building, including the field house portion at issue. Appellant is now requesting that the field house portion be exempted from the sprinkler requirements. The request for this exemption is based upon a concern that objects, such as lacrosse balls in particular, could hit the sprinkler heads causing sprinkler activation and possible water damage to the artificial turf and interior structure. Appellant indicated that the interior field is not designed to drain water. The Appellant stated that there are no spectator accommodations within the field house portion. Appellant testified that it was his conclusion, after his market research, that there were apparently no sprinkler heads available that could protect or could be designed to withstand the damage as referenced and possible accidental activation. The Board noted that photographs of the field house featured many interior lights that appeared to lack any protection.
- 5) The Appellant's Fire Protection Engineer testified that it was his opinion that there is little to no combustible fuel load in the field house and stated that the primary combustibles in the space would be in the area of the roof, sidewall membrane material, and the artificial turf. In support of the Appellant's assertion, material test reports and manufacturer specifications were submitted indicating the flammability and the related fuel load potential in the event of a fire. The Appellant also indicated that the fiberglass insulation in the field house is protected by the vapor barrier/membranes.
- 6) When asked whether the field house could install netting to prevent balls from contacting the sprinkler heads, the Appellant indicated that such ceiling netting, if installed, would create 3-4 feet of sagging which could cause complications involving the ceiling/exterior membranes. Further, it would not guarantee that installed sprinklers would be adequately protected. The Appellant stated the same issue would also be true for any cages installed around sprinkler heads.
- 7) In discussing current fire protection aspects of the structure, the Appellant's Fire Protection Engineer testified that the field house is equipped with strobes, pull stations, exit signs, fire extinguishers, smoke detectors, heat detectors, and 5 means of egress.
- 8) With respect to the current building classification and the explanation why sprinklers were not installed in accordance with the plans submitted to the building department, the Appellant indicated that a temporary Certificate of Occupancy has been issued by the town pending an appeal to this board.
- 9) Although requesting a waiver to sprinkler installation in the field house portion, the Appellant did not present any technical information to support an alternative to a traditional water-based sprinkler system and did not suggest or present any information to support a modified or partial sprinkler system in the portion of the building at issue.
- 10) Deputy Chief Maggio of the Norwood Fire Department testified on behalf of the Fire Department and indicated that the Order of Notice was issued due to the nature use and size of the building as constructed and that the building is clearly over 7,500 s.f. in the

aggregate, thus triggering the enhanced sprinkler system in accordance with M.G.L. c. 148 s. 26G.

- 11) The representatives of the Appellant and Deputy Maggio both indicated that there is an adequate water supply to the building to properly activate any required sprinkler system.

F) Ultimate Findings of Fact and Conclusions of Law

- 1) The provisions of M.G.L. c. 148, s. 26G, states, (in pertinent part): “Every building or structure, including any additions or major alterations thereto, which totals, *in the aggregate*, more than 7,500 gross square feet in floor area shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code.” This law, as stated, reflects amendments to the statute in 2008. The provisions apply to “the construction of buildings, structures or additions or major modifications thereto, which total, in the aggregate, more than 7,500 gross square feet *permitted after January 1, 2010*”. (Sec. 6, Chapter 508 of the Acts of 2008). The legislative activity to amend the provisions of M.G.L. c. 148, s. 26G arose in the aftermath of a tragic commercial building fire, which occurred in Newton, Massachusetts in February 2000, resulting in the death of five individuals. Over the past decades, a long series of significant additions and /or alterations were made to the building without the need to update or enhance the building’s fire protection systems under the provisions of the State Building Code. The intent of the 2008 amendment was to close this compliance loop hole from the pre-existing law and the requirement that the square footage determination be conducted “in the aggregate”.
- 2) The existing building as constructed consists of approximately 24,970 s.f., in the aggregate, of floor area. This amount is clearly more than the 7,500 gross square feet, which triggers the provisions of s. 26G. The Appellant did not contest this finding.
- 3) The Appellant failed to submit any information of substance to support a determination of this Board to grant a waiver or partial waiver from an adequate system of automatic sprinklers in the field house portion of this building as required by the provisions of M.G.L. c. 148, s. 26G. The Appellant also did not provide any technical basis to support the allowance of an alternative to a water-based system of automatic sprinklers.
- 4) Appellant’s contention that the sprinkler requirements in the field house portion should be waived for s. 26G purposes, since said portion may have been improperly classified under 780 CMR, the State Building Code is without merit. Such contention ignores the provisions of s. 26G which triggers the installation of sprinklers if a newly constructed building, within the scope of the statute, consists of over 7,500 s.f. This statutory requirement, within the appellate jurisdiction of this board, is clearly separate and distinct from the provisions of the building code which may possibly consider other building characteristics. Even if this board were to somehow take into consideration the provisions of the State Building Code, the Board notes that the Appellant has not taken any action to amend the building classification. As designed and indicated in the building plans submitted with the building permit, sprinklers were to be installed throughout the building.

- 5) Characteristics of the Appellant's indoor participant sports facility are quite common throughout the Commonwealth. Granting a blanket waiver of sprinkler protection due to possible water damage caused by a sprinkler head activated by flying projectiles would be inappropriate without any reasonable technical basis to support such a waiver or the submission of a reasonable alternative or modified system for this Board's consideration and would ignore the public safety intent of the enhanced life safety requirements of s. 26G.

G) Decision and Order of the Automatic Sprinkler Appeals Board

Based upon the evidence presented to the Board and for the reasons stated herein, the Board hereby **upholds** the Order of the Norwood Fire Department to require an adequate system of sprinklers throughout the building pursuant to the requirements of M.G.L. c. 148, s. 26G.

H) Vote of the Board

Maurice Pilette, Chairman	In Favor
Peter Gibbons, Vice Chair	In Favor
Jack Dempsey, Deputy/Fire Marshal, City of Boston	In Favor
Alexander MacLeod	In Favor
Thomas Coulombe	In Favor

I) Right of Appeal

You are hereby advised you have the right to appeal this decision, in whole or in part, within thirty (30) days from the date of receipt of this order, pursuant to section 14 of chapter 30A of the General Laws.

SO ORDERED,



Maurice Pilette, P.E., Chairman

Dated: July 26, 2016

A COPY OF THIS DECISION AND ORDER WAS FORWARDED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED TO:

Joseph Drain
c/o Compete Strength & Conditioning
576 Pleasant Street
Norwood, Massachusetts 02062

Deputy Chief Ronald Maggio
Norwood Fire Department
135 Nahantan Street
Norwood, Massachusetts 02062